

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

**AMENDED
SUMMARY ORDER**

THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, at Foley Square, in the City of New York, on the 31st day of August, two thousand and six.

PRESENT:

HON. AMALYA L. KEARSE,
HON. ROBERT D. SACK,

Circuit Judges,

HON. TIMOTHY C. STANCEU,*

Judge.

THEODORE F. JOHNSON,

Plaintiff-Appellant,

- v -

No. 05-2188-cv

CHAIRMAN NEW YORK CITY TRANSIT, PRESIDENT OF LOCAL 100 TRANSPORT
WORKERS UNION OF AMERICA AFL-CIO,

Defendant-Appellee.

Appearing for Appellant: THEODORE F. JOHNSON, Hempstead, NY.
(pro se)

* The Honorable Timothy C. Stanceu, of the United States Court of International Trade, sitting by designation.

Appearing for Appellee: BAIMUSA KAMARA (Margaret A. Malloy,
 of counsel), Gladstein, Reif &
 Meginniss, LLP, New York, NY.

Appeal from a judgment of the United States District Court
for the Eastern District of New York (Dora L. Irizarry, Judge).

UPON DUE CONSIDERATION, it is hereby ORDERED, ADJUDGED and
DECREED that the judgment of the district court be, and it hereby
is, AFFIRMED.

Plaintiff-appellant Theodore F. Johnson, pro se, appeals
from the judgment of the district court, entered March 25, 2005,
dismissing his complaint on the ground that it was barred by an
injunction issued against him in 1990 and the doctrine of res
judicata.

In support of his appeal, Johnson contends that this Court
lifted the 1990 injunction in a document that he submitted that
reads in pertinent part:

it is now hereby ordered, adjudged and decreed that the
order of said District Court be and it hereby is
rescinded.

Ex. D to Appellant's Br.

In fact, the decretal part of the order in which this Court
ruled on Johnson's appeal from the 1990 injunction reads:

it is now hereby ordered, adjudged and decreed that the
judgment of said District Court be and it hereby is
affirmed substantially for the reasons stated in Judge
Bartel's Order dated April 18, 1990.

Johnson v. New York City Transit Auth., No. 90-7444 (2d Cir. Nov.
8, 1990).

In any event, the district court correctly dismissed Johnson's complaint on the ground of res judicata. See Maharaj v. Bankamerica Corp., 128 F.3d 94, 97 (2d Cir. 1997). We hereby AFFIRM the judgment of the district court on the ground of res judicata.

FOR THE COURT:

Roseann B. MacKechnie, Clerk

By: _____